05-44481-rdd Doc 12701 Filed 02/13/08 Entered 02/19/08 11:22:05 Main Document Pg 1 of 5

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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
DELPHI CORPORATION, et al.,	Case No.: 05-44481 (RDD
Debtors.	
	(Jointly Administered)

## OBJECTION OF SANYO ELECTRONIC DEVICE (USA) CORPORATION TO NOTICE OF CURE AMOUNT WITH RESPECT TO EXECUTORY CONTRACT TO BE ASSUMED OR ASSUMED AND ASSIGNED UNDER PLAN OF REORGANIZATION

SANYO Electronic Device (USA) Corporation ("SANYO") hereby submits this Objection (the "Objection") to the Debtor's Notice Of Cure Amount With Respect To Executory Contract To Be Assumed Or Assumed And Assigned Under Plan Of Reorganization dated January 29, 2008, (Docket No. 12375) (the "Cure Notice"). In support of this Objection, SANYO respectfully states as follows:

1. On January 29, 2008, the Debtors filed the Cure Notice, a copy of which is attached hereto as <u>Exhibit A</u>. In the Cure Notice the Debtors indicate that they wish to assume or assume and assign certain executory contracts (hereinafter referred to as the "Purchase Orders") between SANYO and the Debtors. The Purchase Orders were identified on Exhibit 1 to the Cure Notice along with the amounts which were alleged by the Debtors to be owing for prepetition arrearages (the "Cure Amounts") with respect to each of the Purchase Orders.

- SANYO hereby objects to the Cure Amounts as alleged by the Debtors on Exhibit 1 to the Cure Notice because the Cure Amount is missing twenty eight (28) invoices under a different Purchase Order.
- SANYO hereby objects to the Cure Amounts with respect to the Purchase Orders, as documented in SANYO's records, relevant portions of which are attached hereto as <u>Exhibit</u> B, are as follows:

Purchase Order Number:	0550045102	
Dated	Invoice No.	Invoice Amount
07/02/05	SD00022	\$1,350.00
07/29/05	SD00123	\$ 900.00
08/05/05	SD00324	\$ 450.00
08/09/05	SD00424	\$ 450.00
08/10/05	SD00452	\$ 2,250.00
08/12/05	SD00555	\$ 450.00
08/16/05	SD00586	\$ 450.00
08/17/05	SD00664	\$ 900.00
08/19/05	SD00757	\$ 450.00
08/23/05	SD00848	\$1,350.00
08/24/05	SD00878	\$ 450.00
08/25/05	SD00889	\$ 450.00
08/26/05	SD00941	\$ 450.00
08/30/05	SD01046	\$ 450.00
08/31/05	SD01062	\$ 1,800.00
09/02/05	SD01148	\$ 1,350.00
09/06/05	SD01230	\$ 450.00
09/07/05	SD01291	\$ 1,350.00
09/09/05	SD01398	\$ 450.00

09/09/05	SD01420	\$ 450.00
09/14/05	SD01569	\$ 2,700.00
09/20/05	SD01740	\$ 3,150.00
09/22/05	SD01843	\$ 450.00
09/27/05	SD01982	\$ 2,700.00
09/29/05	SD02051	\$ 3,325.00
10/03/05	SD02101	\$ 1,995.00
10/04/05	SD02135	\$ 1,800.00
10/06/05	SD02259	\$-2,015.00

4. On January 25, 2008, the Bankruptcy Court entered an order confirming Delphi's plan of reorganization. According to the Cure Notice, objections to the Cure amounts must be filed, on or before the 30<sup>th</sup> day following the effective date of the Plan. Accordingly, this objection is timely filed.

WHEREFORE, for the reason set forth above, SANYO respectfully requests that this Objection be sustained and that the Debtors be prohibited from assuming or assuming and assigning the Purchase Orders unless and until the Debtors cure the Debtors' defaults on the Purchase Orders by payment of the Correct Cure Amounts set forth above in Cash (as defined in the Plan) pursuant to Article 8.2(a) of the Plan.

Dated this 12th day of February 2008

Respectfully submitted,

D. Bradley Young, Esq.

## CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2008, I served the following document upon the parties indicated on the attached service list via federal express, priority overnight mail:

Objection of Sanyo Electronic Device (USA) Corporation to Notice of Cure Amount with Respect to Executory Contract to be Assumed or Assumed and Assigned Under Plan of Reorganization

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